

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAMINA, LLC, as owner of the vessel, *M/V PAMINA* (Official Number 1143720), BRIAN PICKERING and LAURIE PICKERING, as sole members of PAMINA, LLC, and MARKEL AMERICAN INSURANCE COMPANY, as subrogee of Pamina, LLC, Brian Pickering and Laurie Pickering,

Third-Party Plaintiffs,

v.

DELTA MARINE INDUSTRIES, INC., N C MACHINERY CO., GLENDINNING PRODUCTS LLC, and DOCKMATE, INC.,

Third-Party Defendants.

IN RE: COMPLAINT AND PETITION OF
PAMINA, LLC, as owner of the vessel,
PAMINA, FOR EXONERATION FROM OR
LIMITATION OF LIABILITY

IN ADMIRALTY

No. 2:22-cv-01679-BJR

STIPULATION AND ORDER TO
SUBSTITUTE N C POWER
SYSTEMS CO. FOR N C
MACHINERY CO. AS THIRD-
PARTY DEFENDANT AND TO
AMEND CAPTION

STIPULATION

1. On March 1, 2023, Third-party Plaintiffs Pamina, LLC, Brian Pickering, Laura Pickering and Markel American Insurance Company filed their Third-Party Complaint against Delta Marine Industries, Inc., N C Machinery Co., Glendinning Products, LLC and Dockmate Inc. for alleged damages arising from a multi-vessel collision involving the M/V PAMINA on May 28,

CERTIFICATE OF SERVICE
(No. 2:22-cv-01679-BJR)

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1 2022. The Third-Party Complaint alleges that work performed on the M/V PAMINA by the third-
2 party defendants caused the collisions.

3 2. The Third-Party Complaint alleges that Third-Party Defendant N C Machinery Co.
4 conducted service work on the vessel prior to the collision. N C Machinery Co., however,
5 represents that it did not perform service work on the M/V PAMINA, but rather any such work
6 was performed by an affiliated but separate corporate entity, N C Power Systems Co.

7 3. All Third-Party Plaintiffs, and all Third-Party Defendants that have appeared in this
8 action, stipulate and agree that N C Power Systems Co. should be substituted in place of N C
9 Machinery Co. and all claims against N C Machinery Co. should be considered made against N C
10 Power Systems Co.

11 4. N C Machinery Co. shall cease to be a party to this action without prejudice to any
12 the Third-Party Plaintiffs ability to re-file their complaint against N C Machinery Co.

13 5. During the pendency of this action, N C Machinery Co. shall also toll the statute of
14 limitations as to any Third-Party Plaintiffs' claims in this action, and is willing to accept service
15 of a complaint against N C Machinery Co. in the future, and appropriately respond to the complaint
16 in this action without raising the statute of limitations as a defense and/or as a basis for a motion
17 to dismiss. This tolling agreement expires at the conclusion of these third-party proceedings
18 brought by the Third-Party Plaintiffs' against the Third-Party Defendants in this action.

19 6. The docket and the case caption shall be updated to reflect the substitution of N C
20 Power Systems Co. as Third-Party Defendant in place of N C Machinery Co.

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STIPULATION AND ORDER
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1 Dated: April 19, 2023

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Machinery Co. and for substituted Third-Party
8 *Defendant N C Power Systems Co.*

9 Dated: April 19, 2023

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15 *Attorneys for Third-Party Defendants*
16 *Glendinning Products, LLC*

Dated: April 19, 2023

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Dated: April 19, 2023

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ORDER

Based on the foregoing stipulation it is HEREBY ORDERED, that (1) N C Power Systems Co. is substituted as Third-Party Defendants in place of N C Machinery Co.; (2) all claims against N C Machinery Co. are now made against N C Power Systems Co.; (3) N C Machinery Co. shall cease to be a party to this action and is dismissed without prejudice; and (4) the docket and the case caption shall be updated to reflect the substitution of N C Power Systems Co. as Third-Party Defendant in place of N C Machinery Co.

DATED this 25th day of April, 2023.

Barbara Rothstein

Barbara Jacobs Rothstein
U.S. District Court Judge

**STIPULATION AND ORDER
(No. 2:22-cv-01679-BJR) -4**

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